

FR Doc # 04-7984  
PUBLIC COMMENT 8400046

July 1, 2004

Walter F. Vogl, PhD  
Drug Testing Section  
Division of Workplace Programs - DHHS/SAMHSA/CSAP/DWP  
5600 Fishers Lane  
Rockwell II, Suite 815  
Rockville, MD 20857  
E-mail: [wvogl@samhsa.gov](mailto:wvogl@samhsa.gov), or [walter.vogl@samhsa.hhs.gov](mailto:walter.vogl@samhsa.hhs.gov)

Ref: Public Comments related to  
SAMHSA Volume 69, Number 71, Federal Register

Dr. Vogl:

I wish to register my concern about one aspect of the proposed regulation concerning hair testing: the apparent prohibition on using body hair in cases where a person has insufficient (i.e., < 0.5 inches' worth) scalp hair to provide a meaningful test sample.

This prohibition would truly undermine the ability of employers to detect persons who use illicit substances; all a user would have to do to defeat this testing technology would be to shave his/her scalp! One reason occupational physicians, medical review officers, and employers alike are so interested in hair testing is because we have accumulated experience with persons who're motivated to subvert the conventional urine testing process. This prohibition would play right into users' hands.

Obtaining body hair is neither demeaning nor intrusive. Adults of both genders typically shave as a simple routine – whether it is men shaving their faces or women shaving their legs. Even persons who don't shave recognize shaving as a cultural norm in this country.

I strongly encourage you to not prohibit employers from using body hair in workplace testing.

Regards,

J. M. Boswell, MD  
BP South Houston Health Services  
P.O. Box 401  
Texas City, TX 77592-0401